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GARY M. COHEN
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STRAFFORD BUILDING NUMBER THREE
125 STRAFFORD AVENUE, SUITE 300
WAYNE, PA 19087-3318

TEL: (610) 975-4430

FAX: (610) 975-4436

(610) 687-7861

E-MAIL: GMCIP LAW@AOL.COM

December 17, 2007

FACSIMILE COVER SHEET

Page 1 of 6

TO: Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	RE: Application No. 10/567,169 Filed: February 3, 2006
TELEPHONE: (571) 272-4722 Examiner: John J. Wilson	FACSIMILE: (571) 273-8300

MESSAGE

The following documents are submitted with this Cover Sheet:

Reply to Office Action Mailed October 18, 2007
Reply Transmittal (in duplicate)

CONFIDENTIALITY NOTE:

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Attorney's Reference: MICROM24.D06

In re the Application of: Jean-Marie BADOZ, ET AL.

Application No.: 10/567,169

Filed: February 3, 2006

For: DEVICE FOR CANAL PREPARATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RECEIVED**
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Sir:

Transmitted herewith is a Reply for the above-identified application.

- ☒ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has previously been established.
- ☐ A statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.
- ☒ No additional fee for claims is required.

	(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY
	CLAIMS AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	ADDITIONAL FEE	OR	ADDITIONAL FEE
TOTAL	9	MINUS	20	=	0	x 25 = \$		x 50 = \$
INDEPENDENT	1	MINUS	3	=	0	x 105 = \$		x 210 = \$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						+ 185 = \$		+ 370 = \$
						TOTAL = \$	OR	TOTAL = \$

- ☐ It is hereby petitioned for an extension of time in accordance with 37 C.F.R. §1.136(a). The appropriate fee required by 37 C.F.R. §1.17 is calculated as shown below.

Small Entity

Response filed within:

- ☐ first - \$ 60.00
- ☐ second - \$230.00
- ☐ third - \$525.00
- ☐ fourth - \$820.00

month after time period set

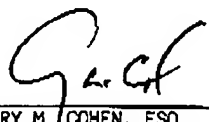
Other than Small Entity

Response filed within:

- ☐ first - \$ 120.00
- ☐ second - \$ 460.00
- ☐ third - \$1,050.00
- ☐ fourth - \$1,640.00

month after time period set

- ☐ Please charge my Deposit Account No. 03-2405 in the amount of \$_____. A duplicate copy of this sheet is attached.
- ☐ A check in the amount of \$_____ is attached.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-2405. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

December 17, 2007
(date)

 GARY M. COHEN, ESQ.
 Reg. No. 28,834
 Attorney for Applicants
 Telephone: (610) 975-4430

Attorney's Reference: MICROM24.D06

In re the Application of: Jean-Marie BADOZ, ET AL.

Application No.: 10/567,169

Filed: February 3, 2006

For: DEVICE FOR CANAL PREPARATION

Mail Stop AF
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- [X] Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has previously been established.
 [] A statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.
 [X] No additional fee for claims is required.

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
	CLAIMS AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL FEE		ADDITIONAL FEE
TOTAL	9	MINUS 20	= 0	x 25 = \$		x 50 = \$
INDEPENDENT	1	MINUS 3	= 0	x 105 = \$		x 210 = \$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+ 185 = \$		+ 370 = \$
				TOTAL = \$	OR	TOTAL = \$

- [] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. §1.135(a). The appropriate fee required by 37 C.F.R. §1.17 is calculated as shown below.

Small Entity

Response filed within:

- [] first - \$ 60.00
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 [] fourth - \$820.00

month after time period set

Other than Small Entity


Response filed within:

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December 17, 2007
 (date)


 GARY M. COHEN, ESQ.
 Reg. No. 28,834
 Attorney for Applicants
 Telephone: (610) 975-4430

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PATENT
microm24.d06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of : Confirmation No. 1184
Jean-Marie BADOZ, ET AL. : Group Art Unit 3732
Application No. 10/567,169 : Examiner: John J. Wilson
Filing Date: February 3, 2006 : (571) 272-4722
For a Patent for a :
DEVICE FOR CANAL PREPARATION : December 17, 2007

REPLY TO OFFICE ACTION MAILED OCTOBER 18, 2007

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is filed responsive to the Office Action mailed in this matter on October 18, 2007.

Before turning to the merits of the Office Action of October 18, 2007, it is noted, with appreciation, that the Information Disclosure Statement filed in this matter on August 30, 2007, has been duly considered, and that an initialed copy of the PTO-1449 Form supplied with the Information Disclosure Statement has been returned with the Office Action.

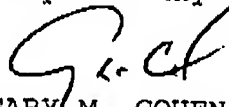
Turning to the merits of the Office Action of October 18, 2007, it is noted that claims 8 to 16 have been rejected under 35 U.S.C. §112, first paragraph, because these claims are considered to contain subject matter that was not adequately described in the original specification. Amendments made to the specification in the Reply filed in this matter on August 20, 2007, have been objected to under 35 U.S.C. §132(a) because inserted material relating to new Figures 2 and 3 is considered to introduce new matter into the disclosure. The drawings are similarly objected to later in the Office Action. Claims 8 to 13, 15 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of U.S. Patent No. 6,155,827 (Euvrard) and U.S. Patent No. 5,120,220 (Butler), and claims 8 to 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over various proposed combinations of Euvrard and Butler with U.S. Patent No. 3,578,745 (Garnier et al.) and U.S. Patent No. 5,730,595 (Bailey).

It is further noted that the Office Action of October 18, 2007, has been made final. In view of the limitations imposed by 37 C.F.R. §1.116, a continuation-in-part application has been filed to proceed with prosecution of the subject matter of the present U.S. Patent Application. This continuation-in-part application has since been assigned the Application No. 11/978,797, and a Filing Date of October 30, 2007.

The continuation-in-part application has been filed in view of the limitations imposed by 37 C.F.R. §1.116, and is not to be construed as applicants' acquiescence in the objections to the specification and to the drawings, or the rejections of claims stated in the Office Action of October 18, 2007, which are hereby respectfully traversed, or a disclaimer of any subject matter presented in the above-identified U.S. Patent Application No. 10/567,169.


Appropriate reconsideration of the above-identified U.S. Patent Application is respectfully requested, and corresponding action is earnestly solicited.

Respectfully submitted,


GARY M. COHEN, ESQ.
Reg. No. 28,834
Attorney for Applicants
Tel.: (610) 975-4430

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on: December 17, 2007.

Date: 12/17/07


Gary M. Cohen, Esq.